

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

HARVEY VICTORIA-CUELLAR,	:	
	:	Civ. No. 23-157 (RBK)
Petitioner,	:	
	:	
v.	:	
	:	<b>MEMORANDUM &amp; ORDER</b>
WARDEN, FCI FORT DIX,	:	
	:	
Respondent.	:	
	:	

Petitioner is a federal prisoner currently incarcerated at F.C.I. Fort Dix, in Fort Dix, New Jersey. He is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Previously, this matter was administratively terminated as Petitioner had not paid the filing fee nor had he applied to proceed *in forma pauperis*. (See ECF 2). Petitioner has now paid the applicable \$5.00 filing fee such that the Clerk will be ordered to reopen this case.

In accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b) of the Rules Governing Section 2254 Cases, this Court has screened the petition for dismissal and determined that dismissal without an answer and the record is not warranted.

Accordingly, IT IS on this 9<sup>th</sup> day of February 2023,

ORDERED that the Clerk shall reopen this case; and it is further

ORDERED that the Clerk shall serve a copy of the habeas petition and corresponding exhibit (ECF 1) and this memorandum and order on Respondent by regular U.S. mail, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk shall forward a copy of the petition (ECF 1) and this memorandum and order to the Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

ORDERED that within forty-five (45) days of the date of the entry of this memorandum and order, Respondent shall file and serve a response which responds to the allegations and grounds in the habeas petition and which includes all affirmative defenses Respondent seeks to invoke; and it is further

ORDERED that Respondent shall file and serve with the response certified copies of all documents necessary to resolve Petitioner's claims and affirmative defenses; and it is further

ORDERED that within forty-five (45) days of receipt of the response, Petitioner may file a reply to the answer; and it is further

ORDERED that within seven (7) days of Petitioner's release, be it parole or otherwise, Respondent shall electronically file a written notice of the same with the Clerk; and it is further

ORDERED that the Clerk shall serve this memorandum order on Petitioner by regular U.S. mail.

s/ Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge